

DELEGATED FILE NOTE

CASE OFFICER: ...William Thompson.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01672/LDCP	Alterations to existing roof to include hip to gable roof extension and insertion of rear dormer window and second floor side window to facilitate loft conversion into habitable accommodation.	3 Westfield Lane Hitchin Hertfordshire SG5 2HE

Submitted Plan Nos

Location Plan 25121-001 25121-002 25121-010 25121-011

1.0 Policies

2.0 Site History

- 2.1 26/01451/FPH - Single storey side extension, raise roof height of existing garage and rear element and alterations to existing first floor side fenestration.

Pending Consideration

- 2.2 25/02958/FPH - Existing roof altered from hip to gable roof extension including rear dormer with glass balcony balustrade to facilitate loft conversion to habitable space. Single storey side extension. Removal of chimneys.

Refused

3.0 Representations

- 3.1 No consultation required

4.0 Planning Considerations

4.1 **Site and Surroundings**

- 4.1.1 The application site accommodates a detached dwelling situated on Westfield Lane, Hitchin.

4.2 **Proposal**

- 4.2.1 Alterations to existing roof to include hip to gable roof extension and insertion of rear dormer window and second floor side window to facilitate loft conversion into habitable accommodation.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are whether the proposed development would require a specific planning permission or be considered 'permitted development' in line with the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1 as amended.

4.3.2 **Class B – Development B - Insertion of a dormer window to the existing rear roof slope.**

- 4.3.2 **B.** Additions etc to the roof of a dwellinghouse.

B.1 Development is not permitted by Class B if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

The property was originally built as a residential dwelling and so complies with this criterion.

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposal does not exceed the height of the of the highest part of the existing roof and so the proposal complies with this criterion.

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

The proposal would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway and so complies with this criterion.

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

- (i) 40 cubic metres in the case of a terrace house, or**
- (ii) 50 cubic metres in any other case;**

The total additional cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres and so complies with this criterion.

(e) it would consist of or include—

- (i) the construction or provision of a verandah, balcony or raised platform, or**
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

The removal of the chimney would comply with all criteria in Class G, Part 1. The proposal complies with this criterion.

(f) the dwellinghouse is on article 2(3) land

The dwellinghouse is not on article 2(3) land and so complies with this criterion.

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) or

The dwellinghouse was not built under Part 20 of this Schedule and so complies with this criterion.

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

The existing dwellinghouse has not been enlarged in reliance on the permission granted by Class AA and so complies with this criterion.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
- (b) the enlargement must be constructed so that—**

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The proposed window to the side elevation of the dwellinghouse is not shown to be obscure glazed/non-opening above 1.7m. Therefore, the proposal does not comply with these criteria.

4.3.3 C. Any other alteration to the roof of a dwellinghouse.

C.1 Development is not permitted by Class C if -

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA] or Q of Part 3 of this Schedule (changes of use);

The proposal complies with these criteria.

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The proposal complies with these criteria

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

The proposal complies with these criteria.

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment; or

The removal of the chimney would comply with all criteria in Class G, Part 1. The proposal complies with this criterion.

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The proposal complies with these criteria.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The proposal complies with these criteria.

4.3.4 Class G – chimney, flues etc

G.1 Development is not permitted by Class G if –

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

The proposal complies with this criterion.

(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

The proposal complies with this criterion.

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

The application site is not situated within an article 2(3) area. The proposal complies with this criterion.

4.4 Conclusion

- 4.4.1** A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed window to the side elevation of the dwellinghouse is not shown to be obscure glazed/non-opening above 1.7m, which is contrary to Condition B.2(c) of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed  Melissa Tyler	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 27 July 2026	